

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	
	)	
Damien BOURGEOIS et al.	)	Group Art Unit: 1626
	)	
Application No.: 10/537,260	)	Examiner: Rei Tsang SHIAO
	)	
Filed: October 14, 2005	)	Confirmation No.: 1421
	)	
For: METHOD OF PRODUCING NITRILE	)	
COMPOUNDS FROM	)	
ETHYLENICALLY-UNSATURATED	)	
COMPOUNDS	)	

**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In complete response to the Restriction/Election Requirement mailed November 5, 2007, Applicants submit herewith a petition for one-month extension of time extending the period of response from December 5, 2007 to January 7, 2008 (January 5, 2008 being a Saturday and January 6, 2008 being a Sunday), and the following response.

The Examiner sets forth the following Restriction/Election Requirement:

- Group I: Claims 25-37, in part, drawn to process of making (i.e., hydrocyanation of ethylenic compounds) in the presence of a catalyst of formula (V) with an organophosphorous ligand of formula (I), wherein the variable L of formula (I) represents a substituted or unsubstituted aromatic not having hetero atoms and one ring in fused form thereof;
- Group II: Claims 25-37, in part, drawn to process of making (i.e., hydrocyanation of ethylenic compounds) in the presence of a catalyst of formula (V) with an organophosphorous ligand of formula (I), wherein the organophosphorous ligand is not encompassed in Group I;
- Group III: Claims 38-48, in part, drawn to process of making (i.e., hydrocyanation of ethylenic compounds) in the presence of a catalyst of formula (V) with an organophosphorous ligand of formula (I),

wherein the variable L of formula (I) represents a substituted or unsubstituted aromatic not having hetero atoms and one ring in fused form thereof; and

Group IV      Claims 38-48, in part, drawn to process of making (i.e., hydrocyanation of ethylenic compounds) in the presence of a catalyst system comprising compounds of formula (I), wherein the compounds of formula (I) is not encompassed in Group III.

Applicants respectfully traverse the above Restriction Requirement. Moreover, Applicants respectfully assert that the inventions of Groups I-IV should properly be examined together.

Groups I, II, III, and IV are directed to a process for hydrocyanating. Accordingly, Applicants respectfully submit that the inventions of Groups I-IV are closely related and that a proper search of any of the claims should, by necessity, require a proper search of the others. Thus, Applicants submit that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants submit that any nominal burden placed upon the Examiner to search accordingly to determine the art relevant to Applicants' overall invention is significantly outweighed by the public's interest in not having to obtain and study many separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of numerous applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different occasions. This process would place an unnecessary burden on both the Patent and Trademark Office and on the Applicants.

Regardless of whether the four inventions are independent or distinct, Applicants respectfully assert that the Examiner need not have restricted the application. M.P.E.P. § 803 requires that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Therefore, it is not mandatory to make a restriction requirement in all situations where it would be deemed proper.

In the interest of economy, for the Office, for the public-at-large, and for Applicants, reconsideration and withdrawal of the restriction requirement are requested.

In light of the above, Applicants respectfully submit that claims 25-48 should be examined together.

Nevertheless, in order to comply with the requirements of 37 C.F.R. § 1.143, Applicants indicate below a provisional election of one group for examination. As such, Applicants elect, with traverse, to prosecute the invention of Group III, namely claims 38-48. In addition, applicants *elect the species* of L representing a *phenylene radical*.

Applicants have no intention of abandoning any non-elected subject matter and should it be necessary, Applicants expressly reserve the right to file one or more continuation and/or divisional applications directed to non-elected subject matter.

The Examiner is invited to contact the undersigned at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Dated: January 7, 2008

By Shruti S. Costales  
Shruti S. Costales  
Registration No. 56,333

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620